

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

21-CR-31-A

JOSEPH BELLA

Defendant.

**NOTICE OF MOTION AND MOTION TO
WITHDRAW MOTION TO SET A TRIAL DATE**

PLEASE TAKE NOTICE that the United States of America, by its attorneys, James P. Kennedy, Jr., United States Attorney for the Western District of New York, and Nicholas T. Cooper, Assistant United States Attorney, of counsel, hereby moves this Court to withdraw the government's motion to set a date for trial in this action (Dkt 9), such motion to be heard by the United States District Court for the Western District of New York, United States Courthouse 2 Niagara Square, Buffalo, New York, at a date and time to be determined by the Court.

DATED: Buffalo, New York, May 14, 2021.

JAMES P. KENNEDY, JR.
United States Attorney

BY: s/NICHOLAS T. COOPER
Assistant United States Attorney
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Defendants.

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

NICHOLAS T. COOPER, being duly sworn, deposes and states:

1. I am an Assistant United States Attorney for the Western District of New York assigned to the prosecution of the above-referenced case. This affidavit is submitted in support of the government's motion to withdraw the government's motion to set a date for trial in this action.

2. On March 9, 2021, the Magistrate Court issued a Scheduling Order dictating that the Defendant's motions were to be submitted by May 7, 2021. On May 7, 2021, the defendant filed motions requestion various forms of relief. See Dkt 8.

3. Accordingly, the government moves this Court to withdraw the government's motion to set a trial date (Dkt 9).

s/NICHOLAS T. COOPER
Assistant United States Attorney
United States Attorney's Office
Western District of New York
138 Delaware Avenue
Buffalo, New York 14202
716/843-5830
Nicholas.Cooper@usdoj.gov

Subscribed and sworn to before me

this 14th day of May, 2021.

s/ELIZABETH M. HARF
COMMISSIONER OF DEEDS
In And For The City Of Buffalo, N.Y.
My Commission Expires Dec. 31, 2022.